REMARKS

Applicant notes the renumbering of the claims, and has done so in the instant amendment. Applicant thanks the examiner for making the correction.

Claims 1 and 8 have been amended to provide requisite antecedent basis as objected to by the examiner.

Claims 1-5, 8-11, 14 and 15 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,083,672 Lewandowski (the '672 patent).

In order for a rejection under 35 U.S.C. § 102(b) to be proper, and a claim to be anticipated, a single prior art reference must teach each and every element as set forth in the claim being examined *Verdegall Bros. v. Union Oil Co. of Calif., 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).*

Applicant respectfully avers that each and every element of claim 3 is not taught in the '672 patent. For example, slide element 30 in the '672 patent corresponds to applicant's gate valve member 4. Applicant teaches a gate valve member 4 having an acutely angled portion 5 as shown in applicant's figures 1 and 2. In contrast, the '672 patent teaches a completely flat slide member 30.

Applicant has amended claim 1 by incorporating the limitations of claim 3 into claim 1.

Applicant cancels claim 3 without any disclaimer or prejudice.

Applicant respectively avers the rejection of claim 1 and all claims depending therefrom is overcome.

Applicant respectfully avers that each and every element of applicant's claim 13 is not taught in the '672 patent. For example, applicant teaches an internal spring 240 disposed in channel 202 shown in applicant's figure 8. In contrast, the '672 patent does not disclose either a spring, or a spring positioned inside a channel.

Applicant has amended claim 8 by incorporating the limitations of claim 13 into claim 8.

Applicant cancels claim 13 without any disclaimer or prejudice.

Applicant respectively avers the rejection of claim 8 and all claims depending therefrom is overcome.

Applicant has amended claim 14 by including the additional limitation of a gate valve member (30) having retaining tabs (44) protruding from opposing side surfaces of said gate valve member (30), said retaining tabs (44) positioned entirely within said channel as shown in figures 4 and 5.

Applicant respectfully avers the '672 patent does not teach at least retaining tabs (44), ergo amended claim 14 distinguishes over the '672 patent.

Applicant also respectively submits the rejection of all claims depending from claim 14 is also overcome.

Claims 1-8, and 10-13 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 2,626,089 to Osfar (the '089 patent).

Claims 1, and 3-7 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 3,792,803 to Kessler (the '803 patent).

In order for a rejection under 35 U.S.C. § 102(b) to be proper, and a claim to be anticipated, a single prior art reference must teach each and every element as set forth in the claim being examined *Verdegall Bros. v. Union Oil Co. of Calif., 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)*.

Applicant respectfully avers that each and every element of claims 1 and 8 are not taught in the '089 patent. For example, applicant claims an invention having a threaded neck member (24) shown in applicant's figures 1, & 3-8. In contrast, the '089 patent teaches a dispenser not having any threads.

Applicant respectfully avers that each and every element of claim 1 is not taught in the '803 patent. For example, applicant claims an invention having a threaded neck member (24) shown in applicant's figures 1, & 3-8. In contrast, the '803 patent teaches a dispenser not having any threads as described in column 1 lines 37-40 with language "snap-on", "spin-welding" and "non-removable[emphasis] manner as if by heat and pressure".

Applicant respectfully avers that each and every element of claim 3 is not taught in the '803 patent. For example, sliding cover 10 in the '803 patent corresponds to applicant's gate valve member 4. Applicant teaches a gate valve member 4 having an acutely angled portion 5 as shown in applicant's figures 1 and 2. In contrast, the '803 patent teaches a completely flat sliding cover 10, ergo applicant's claim 3, albeit incorporated into claim 1, distinguishes over the '803 patent.

Applicant respectively avers the rejection of claims 1, 3 & 8 and all claims depending therefrom is overcome.

Claims 16-19 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,083,672 Lewandowski (the '672 patent) in view of U.S. Patent 2,626,089 to Osfar (the '089 patent).

Applicant most humbly submits this rejection is moot as claims 16-19 depend from independent claim 14 that applicant respectfully avers is allowable as presented *supra*.

During the interview of September 23, 2005, the Examiner described 1) how U.S. Patent 2,472,677 (via slidable valve member 30) may read on applicant's claim 1, and 2) how U.S. Patent 6,516,973 (via pins 24,21) may read on applicant's claim 14, although neither patent was asserted, but considered pertinent in the office action.

Applicant avers U.S. Patent 2,472,677 (the '677 patent) does not read upon applicant's claim 1 for many reasons including, but not limited to, applicant claims a gate valve member acutely angled (less than 90°) in contrast to the '677 patent that teaches a valve member (30) having portions bent greater than 90 degree, e.g. 180 degrees.

Applicant avers U.S. Patent 6,516,973 (the '973 patent) does not read upon applicant's claim 14 for many reasons including, but not limited to, applicant claims a gate valve assembly having retaining tabs positioned entirely within a channel in contrast to the '677 patent that teaches pins (24,21) positioned entirely outside a channel.

Applicant has added new dependent claim 20 and respectfully requests examination of said new dependent claim 20. Applicant avers claim 20 does not contain new matter as Applicant's Figures 1 & 2 show the claimed features.

Applicant most respectfully avers that the instant application is now in condition for allowance and most respectfully requests the Examiner to issue a Notice of Allowance in a timely manner. However, if the examiner feels any issues need to be resolved, the examiner is invited to contact the undersigned at (603) 672-3139.

Please note the undersigned has a new telephone number for the record.

Respectfully Submitted,

Joseph D. King
Agent for Applicant
Registration No.: 46,829

DOCKET NO.: **SB-002-CAN**

P A T E N T

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)
	)
Tackett D. M.	) Examiner: Cartagena, Melvin A.
	)
Application No.: 10/694,537	) Art Unit: 3754
	)
Filed: October 25, 2003	)

For: **LIQUID CONTAINER HAVING GATE VALVE**

Date: October 8, 2005

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to Commissioner for Patents, Box Amendment, Alexandria, VA 22313

on 10.8.05

By: _____
Joseph D. King

BOX AMENDMENT
Commissioner for Patents
Alexandria, VA 22313

VERSION WITH MARKINGS TO SHOW CHANGES MADE

1.(Currently amended) A container for dispensing fluid comprising;

a channel formed into a surface of said container, said channel positioned proximate to a threaded neck member having an orifice for dispensing a liquid, said channel having first and second openings formed in opposite surfaces thereof at a first end of said channel;

a gate valve member slideably positioned in said channel;and

~~wherein said first and said second openings are positioned at least partially under said threaded neck member;and~~

~~wherein said gate valve member mateably seals with a portion of said channel via pressure engagement between one or more surfaces of said gate valve member and one or more sealing surfaces of said channel.~~

wherein a first end of said gate valve member is acutely angled with respect to a remaining portion of said gate valve, said gate valve member optionally comprising a handle formed at a second end of said gate valve member.

2. (Original) The container of claim 1 wherein said channel has a shape that generally follows a contour of said container.

3. (Cancelled)

4. (Original) The container of claim 1 further comprising captive retaining means operative to prevent said gate valve member from being completely withdrawn from said channel.

5. (Original) The container of claim 4 further comprising retaining tabs located on said gate valve member, said tabs reversibly mateable with complementary locking notches formed into said channel.

6. (Original) The container of claim 1 further comprising fail safe biasing means operative to position said gate valve member in a normally closed position thereby blocking a flow of fluid until said gate valve member is intentionally actuated by an operator.

7. (Original) The container of claim 6 wherein said biasing means comprises a spring.

8. (Currently amended) A container for dispensing fluid comprising;

a channel formed into a surface of a reservoir portion of said container, and having a shape that generally follows a contour of said container, a portion of said channel positioned under a threaded neck member, said channel having first and second openings formed in opposite surfaces thereof at a first end of said channel;

a generally flat gate valve member slideably positioned in said channel;

a spring positioned in said channel between said generally flat gate valve member and said first end of said channel, said spring operative to position said gate valve member in a normally closed position thereby blocking a flow of fluid until said gate valve member is intentionally actuated by an operator;and

wherein said first and said second openings are positioned under said threaded neck member;~~and.~~

~~wherein said gate valve member forms a seal with a portion of said channel via pressure engagement between at least two surfaces of said gate valve member and sealing surfaces around each of said first and said second openings.~~

9. (Original) The container of claim 8 wherein said gate valve member is acutely angled proximate a first end.

10. (Original) The container of claim 8 wherein a direction of movement of said gate valve member is perpendicular to a direction of a flow of said liquid.

11. (Currently amended) The container of claim [8] 1 wherein a complete valve and container system consists of only two pieces: said container, and said gate valve member.

12. (Original) The container of claim 8 further comprising captive biasing means operative to 1) prevent said gate valve member from being completely withdrawn from said channel and 2) provide fail safe biasing means operative to position said gate valve member in a normally closed position thereby blocking a flow of fluid until said gate valve member is intentionally actuated by an operator.

13. (Cancelled)

14. (Currently amended) A gate valve assembly reversibly attachable to a top portion of a container for dispensing fluid, said gate valve assembly comprising;

a coupling having means for reversibly attaching said coupling to said container;

a channel formed into said coupling, said channel having first and second openings formed in opposite surfaces thereof;

a gate valve member slideably positioned in said channel;and

wherein said gate valve member has retaining tabs protruding from opposing side surfaces of said gate valve member, said retaining tabs positioned entirely within said channel.

~~wherein said gate valve member mateably seals with a portion of said channel by pressure engagement between one or more surfaces of said gate valve member and one or more sealing surfaces of said channel via an interference fit; and~~

~~wherein a direction of movement of said gate valve member is substantially perpendicular to a direction of a flow of said liquid.~~

15. (Original) The gate valve assembly of claim 14 wherein said means for reversibly attaching said coupling to said container is with a first set of threads, and further comprising a second set of threads formed on or in an end of said gate valve assembly opposite said first set of threads.

16. (Currently amended) The gate valve assembly of claim ~~14~~ 15 further comprising ~~captive biasing means operative to 1) prevent said gate valve member from being completely withdrawn from said channel and 2) provide fail safe~~ a biasing means operative to position said gate valve member in a normally closed position thereby blocking a flow of fluid until said gate valve member is intentionally actuated by an operator.

17. (Currently amended) The gate valve assembly of claim ~~17~~ 16 wherein said ~~captive~~ biasing means is a spring positioned ~~in~~ inside said channel.

18. (Currently amended) The gate valve assembly of claim ~~18~~ 17 further comprising a hole formed into said gate valve member.

19. (Currently amended) The gate valve assembly of claim ~~19~~ 14 further comprising a spout formed in or on one end of said gate valve assembly.

20. (New) The container of claim 1 wherein said first end of said gate valve member being acutely angled with respect to a remaining portion of said gate valve is positioned within said channel.